

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Marguerite Gabriel

INITIAL SCHEDULING ORDER

Plaintiff(s),

19 Civ. 6738 (RRM) (VMS)

-against-

Newrez LLC

Defendant(s).

It is hereby **ORDERED** as follows:

- 1) Defendant(s) shall answer or otherwise move with respect to the complaint by N/A - Defendant has already filed pre-motion conference request for a motion to dismiss.  
\_\_\_\_\_.
- 2) Initial disclosures required by Rule 26(a)(1) of the **Federal Rules of Civil Procedure** must be completed by 2/28/2020, if not yet completed. The disclosures should include as detailed a calculation of damages as possible and authorizations for release of medical and other relevant records.
- 3) Initial document requests and interrogatories will be served no later than 3/11/2020. If the parties intend to issue interrogatories, they will serve no more than 25 interrogatories. The parties are informed that the presumptive cap on the number of interrogatories is 25, including subparts.
- 4) Any joinder and/or amendments of the pleadings must be made by 4/22/2020. By this date, the parties must either stipulate to the joinder and/or amendments of the pleadings or commence motion practice for leave to join and/or amend in accordance with the Individual Rules of the District Judge assigned to this case.

- 5) If the parties expect to engage in electronic discovery, they will submit a proposed plan to the Court by 2/28/2020.
- 6) Fact discovery closes 7/14/2020.

*Note: Treating physicians who may be called as fact witnesses should generally provide their reports or summaries and be deposed during fact discovery. Non-party fact discovery shall be completed by this date as well.*

- 7) As to expert disclosures,
- a) The names, qualifications and area(s) of expertise of initial experts shall be served on or before 7/14/2020. *Not anticipated*
- b) Initial expert witness reports shall be served on or before 7/21/2020.
- c) Rebuttal expert witness reports shall be served on or before 8/3/2020.
- 8) All discovery, including any depositions of experts, shall be completed on or before 8/11/2020. 7/14/20
- 9) On or before 8/21/2020, the parties must file on ECF a joint letter to the magistrate judge confirming that discovery is concluded.
- 10) Any dispositive motion practice must be commenced by 9/4/2020.

*Note: Parties must consult the Individual Rules of the District Judge assigned to this case to determine, *inter alia*, if a pre-motion conference letter is required before a dispositive motion is filed, whether a Local Rule 56.1 statement must first be submitted with the pre-motion conference letter or motion, and whether such a motion should only be filed when fully briefed.*

- 11) A proposed joint pre-trial order must be filed by 10/16/2020.
- 12) Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)?
- a) Yes
- b) No  (*Do NOT indicate which party has decline to consent*)

*If yes, fill out the AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge Form and file it on ECF. See <http://www.uscourts.gov/FormsAndFees/Forms/CourtFormsByCategory.aspx>*

- 13) A discovery conference is set for 6/18/20 at 11:00 in person / by telephone.   
*(The Court will schedule this date).* The conference call will be arranged and initiated by Plaintiff or Defendant (circle one) to Chambers at (718) 613-2300.
- 14) A joint discovery status letter must be filed on ECF by 6/11/20 in preparation for the discovery conference. *(The Court will schedule this date).*
- 15) A final pre-trial conference is set for TBD. *(The Court will schedule this date).*
- 16) The parties may wish to engage in settlement discussions. To facilitate this process, Plaintiff(s) agree(s) to make a demand on or before \_\_\_\_\_, and Defendant(s) agree(s) to respond to the demand on or before July 1, 2020.
- 17) Counsel request a referral to the Court's ADR program? Yes  No .
- 18) Any additional matters:

The Defendant has filed a pre-motion conference request seeking leave to file a motion to dismiss. The Plaintiffs have filed a letter in opposition to the request. The Defendant's time to answer the Complaint was extended by minute order of Judge Mauskopf, dated January 23, 2020, to 21 days after the Court makes an order on any motion to dismiss, or until the Court otherwise orders.

— ▷ will consider whether it wishes to proceed with the motion to dismiss or reserve the issues for a 5j motion.

This scheduling order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date hereof.

Dated: Brooklyn, New York

2/11, 2020

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VERA M. SCANLON  
UNITED STATES MAGISTRATE JUDGE

— It counsel will keep the Court abreast of any developments in State Court re: ① Surrogate Court ad probate of the St. Lucia will and ② foreclosure in which an SOL issue is raised.